



Minutes of the Regular Meeting of the Ankeny City Council

Monday, October 18, 2010 – 5:30 P.M.
Ankeny City Hall – City Council Chambers
410 W. First Street, Ankeny, Iowa
Steven D. Van Oort, Mayor
Dave Kissinger, Mayor Pro tem

Council Members: Craig Block, Wade Steenhoek, Tom Strait, Gary L. Welch

Mayor Van Oort called the meeting to order at 5:30 p.m. Council members Block and Kissinger were absent. City Manager, Carl Metzger, and City Attorney, Amy Beattie, were present.

Mayor Van Oort stated Councilors Block and Kissinger had excused absences.

Mayor Van Oort led the Pledge of Allegiance.

CEREMONY:

- **PROCLAMATION:** Mayor Van Oort read a proclamation declaring October 24, 2010, “World Polio Day” in support of the Rotary Club of Ankeny and Rotary International and their efforts to eradicate polio.

A. PUBLIC FORUM

Citizen Open Forum: none

B. APPROVAL OF AGENDA

ACTION #1. Welch made the **MOTION** to approve and accept the October 18, 2010 agenda, without amendment, seconded by Steenhoek.

ROLL CALL

2010-1018.01 YES 3 NO 0

C. PUBLIC HEARING(S):

- **PH 2010-39:** Proposed Northeast Ankeny Urban Renewal Plan

Mayor Van Oort announced this is the time and place for a public hearing on the matter of the adoption of the proposed Northeast Ankeny Urban Renewal Plan.

John Peterson, Director of Planning and Building, provided a report with respect to the consultation held with the affected taxing entities to discuss the proposed Plan. He stated the adoption of an urban renewal plan is a prelude to an action on a tax increment financing ordinance to establish this district as a tax increment financing district. Approval of this ordinance gives council the authority to capture taxes for the purposes defined in the plan, an economic purpose.

He stated Polk County was represented at the consultation meeting with no negative comments received.

ACTION #2. There being no written or oral objections, Strait made the MOTION to close Public Hearing 2010-39, seconded by Steenhoek.

ROLL CALL

2010-1018.02 YES 3 NO 0

Mayor Van Oort stated further consideration and action on this item will take place under "Legislative Business", Agenda Item "I" later in the meeting.

- **PH 2010-40:** Proposed vacation of a sanitary sewer easement located along the east side of SW State Street, north of SW Oralabor Road in Prairie Trail

Mayor Van Oort announced this is the time and place for a public hearing on the matter of the proposed Ordinance #1683 vacating a sanitary sewer easement located along the east side of SW State Street, north of SW Oralabor Road in Prairie Trail. Notice of this hearing was published in the Des Moines Register on the 8th day of October, 2010.

John Peterson, Planning & Building Director, provided a graphic showing the area requested to be vacated. He stated Iowa Health Systems is proposing a clinic on lot 3 within this area. He stated developer, DRA Properties, is relocating the sanitary sewer around the pad site for the building and parking lot. The city staff is vacating the easement in order to create the space to construct the building and parking areas for the new site.

ACTION #3. There being no written or oral objections, Steenhoek made the MOTION to close Public Hearing 2010-40, seconded by Welch.

ROLL CALL

2010-1018.03 YES 3 NO 0

Mayor Van Oort stated further consideration and action on this item will take place under "Legislative Business", Agenda Item "I" later in the meeting.

- **PH 2010-41:** Proposed Development Agreement between the City of Ankeny, DRA Properties, L.C. and 4Touch, LLC d/b/a Quality Automation Graphics

Mayor Van Oort announced this is the time and place for a public hearing on the matter of a proposed development agreement between the City of Ankeny, Iowa, DRA Properties, L.C. and 4Touch, LLC, d/b/a Quality Automation Graphics related to business expansion. The Notice of Hearing on this proposal was published in the Des Moines Register on the 8th day of October, 2010.

Curtis Brown, Assistant Economic Development Director, stated Quality Automation Graphics, an information technology company who specializes in interactive design and animation has been based in Ankeny since 2006 and their business and employee count has grown in the last several years forcing management to look for new space to grow. He stated the company has considered options in Ankeny and elsewhere. City staff worked with Dan McCarty of Quality Automation Graphics and DRA Properties to create the agreement for council's consideration this evening and the result is DRA Properties will build a new office building in Vintage Business Park in Prairie Trail. He further stated Quality

Automation Graphics will have the professional space and assistance they need to continue growing in Ankeny.

Ted Rapp, DRA Properties, stated they are really appreciative of the Economic Development staff creating this opportunity for Dan McCarty to further his business in Prairie Trail and spearhead the first business in Vintage Business Park.

Dan McCarty, Quality Automation Graphics, thanked the Council for their support and stated he looked forward to growing his business in Ankeny.

ACTION #4. There being no written or oral objections, Welch made the MOTION to close PH 2010-41, seconded by Steenhoek.

Mayor Van Oort stated further consideration and action on this item will take place under "New Business", Agenda Item "K" later in the meeting.

D. REPORTS OF ADVISORY BOARDS AND COMMISSION:

Plan & Zoning Commission Representative, Larry Voigt updated the city council on activities of the Plan & Zoning Commission.

Park Board, Representative, Matt Glynn updated the city council on activities of the Park Board.

Library Representative, Tamara Fujinaka updated the city council on activities of the Library board.

E. REPORT OF LOBBYIST: none

F. APPROVAL OF CONSENT AGENDA:

• **Minutes**

CA-1 Approval of official council actions of the regular meeting of October 4, 2010, as published, subject to correction, as recommended by the City Clerk.

CA-2 Receive and file minutes of the Plan & Zoning Commission meeting of October 5, 2010, subject to correction, as recommended by the recording secretary.

CA-3 Receive and file minutes of the Park Board meeting of September 27, 2010, subject to correction, as recommended by the recording secretary.

CA-4 Receive and file minutes of the Civil Service Commission meeting of October 14, 2010, subject to correction, as recommended by the recording secretary.

• **Licenses and Permits:**

CA-5 Consider motion to approve a Class C Beer Permit w/Sunday Sales & Carryout Wine for Casey's Marketing Company, d/b/a Casey's General Store #2920, 1010 SE National Drive. (new)

- CA-6 Consider motion to approve a Cigarette Permit for Casey's General Store #2920, 1010 SE National Drive. (new)
- CA-7 Consider motion to approve a Class C Liquor License for Thelma Saxton, d/b/a Cater 2 U, 700 SE 2nd, Leon, Iowa 50144. (Event location: FFA Building - 1055 SW Prairie Trail Parkway – new)
- CA-8 Consider motion to approve a Class C Liquor License w/Sunday Sales for ERJ Dining IV, LLC, d/b/a Chili's Southwest Grill, 2601 SE Delaware Avenue. (renewal)
- CA-9 Consider motion to approve a Class B Beer Permit w/Sunday Sales for Smashguys LLC, d/b/a Smashburger, 2010 SE Delaware Avenue, Suite 224. (renewal)

• **Finance/Budget**

- CA-10 Consider motion to receive and file Financial Reports for September, 2010.
- CA-11 Consider motion to receive and file Building Permit Report for September, 2010.
- CA-12 Consider motion to receive and file Utility Billing Report for September, 2010.
- CA-13 Consider motion to adopt RESOLUTION 2010-282, authorizing the certification of liens to the Polk County Treasurer for purposes of assessing the cost of nuisance abatement against property. (mowing)
- CA-14 Consider a motion to adopt RESOLUTION 2010-283, authorizing the certification of liens to the Polk County Treasurer for purposes of assessing delinquent utility account balances against property.
- CA-15 Consider motion to approve Change Order #4 decreasing the contract amount by \$3,011.84 to Con-Struct, Inc., for construction services on the 2010 PCC Reconstruction Program - NW 9th Street Project.
- CA-16 Consider motion to approve Payment #4 in the amount of \$26,809.15 to Con-Struct, Inc., for construction services on the 2010 PCC Reconstruction Program - NW 9th Street Project.
- CA-17 Consider motion to approve Payment #7 in the amount of \$9,912.50 to FOX Engineering Associates, Inc., for engineering services on the NE 54th Street Sanitary Sewer Project.
- CA-18 Consider motion to approve Change Order #5 increasing the contract amount by \$2,300.98 to Halbrook Excavating, Inc., for construction services on the SW Goodwin Street Utility Improvements and Paving Project.
- CA-19 Consider motion to approve Payment #10 in the amount of \$22,941.53 to Halbrook Excavating, Inc., for construction services on the SW Goodwin Street Utility Improvements and Paving Project.

- CA-20** Consider motion to approve Payment #16 in the amount of \$2,059.00 to Nilles Associates, Inc., for engineering services on the Saylor Creek Lake Channel Improvements Project – Phase II.
- CA-21** Consider motion to approve Payment #12 in the amount of \$6,925.50 to Nilles Associates, Inc., for engineering services on The District at Prairie Trail.
- CA-22** Consider motion to approve Change Order #3 increasing the contract amount by \$14,354.00 to Priority Excavating, LLC for construction services on the NE 54th Street Sanitary Sewer Project.
- CA-23** Consider motion to approve Payment #1 in the amount of 148,408.05 to Priority Excavating, LLC for construction services on the NE 54th Street Sanitary Sewer Project.
- CA-24** Consider motion to approve Payment #17 in the amount of \$41,458.57 to Sande Construction and Supply Co., Inc., for construction services on the Cascade Falls Aquatic Center Project.
- CA-25** Consider motion to approve Change Order #2 increasing the contract amount by \$3,409.80 with TK Concrete, Inc., for construction services on the 2010 PCC Street Patching Program - Phase II.
- CA-26** Consider motion to approve Payment #3 in the amount of \$3,239.31 to TK Concrete, Inc., for construction services on the 2010 PCC Street Patching Program - Phase II.
- CA-27** Consider motion to approve the October 18, 2010 Accounts Payable from the following funds: General \$122,897.19, Road Use Tax \$184,199.29, Seizure \$2,909.18, Tax Increment Financing \$796.50, Economic Development \$4,806.94, Dog Park Trust \$9.15, Solid Waste \$34,975.44, Water \$167,553.16, Sewer \$236,022.66, Stormwater \$8,116.14, Golf Course \$23,969.30, Enterprise Project \$190,362.98, Revolving \$27,471.48, Risk Mgmt \$35,897.30, Health Insurance \$516.00, Equipment Reserve \$2,974.81, Capital Projects \$609,367.47, Payroll \$588,802.26, Less Service Transfers (\$87.05), Less Agenda Payments Approved Separately (\$353,996.84), Grand Total \$1,887,563.36 (Finance Committee: G. Welch, Chp., W. Steenhoek, T. Strait)

• **Personnel Items:**

- CA-28** Consider motion to approve Elliot Josephson certified eligible for appointment subject to passing all other requirements for the position of Groundskeeper at the Prairie Ridge Sports Complex.

• **Community Development Items**

- CA-29** Consider motion to approve Camden Woods South Preliminary Plat.

- **Engineering Items:**

- CA-30 Consider motion to adopt RESOLUTION 2010-284, granting a permanent easement to T-mobile for the construction of underground fiber optic utility.

- **Capital Improvement Projects - Final Acceptance**

- CA-31 Consider motion to approve Change Order #1 increasing the contract amount by \$1,267.09 to Denco Highway Construction Corporation for construction services for the 2010 Pavement Preservation Program.
- CA-32 Consider motion to accept the Certificate of Completion from MSA Professional Services for the 2010 Pavement Preservation Program.
- CA-33 Consider motion to adopt RESOLUTION 2010-285, accepting the 2010 Pavement Preservation Program with Denco Highway Construction Corporation in the final contract amount of \$92,243.23.
- CA-34 Consider motion to approve final Payment #1 in the amount of \$87,631.07 to Denco Highway Construction Corporation for construction services for the 2010 Pavement Preservation Program and authorize release of retainage payment in the amount of \$4,612.16, in accordance with the terms of the contract.

- **Administrative Items:**

- CA-35 Consider motion to adopt RESOLUTION 2010-286, authorizing emergency repairs at the Police Department Headquarters located at 411 S.W. Ordinance Road, Ankeny, Iowa.

ACTION #5. Strait made the MOTION to approve the recommendations for Consent Agenda Items CA-1 through CA-35, seconded by Welch.

ROLL CALL

2010-1018.05 YES 3 NO 0

G. SUPPLEMENTAL & REMOVED CONSENT AGENDA ITEMS:

ACTION #6. No action taken.

H. RECESS: none

I. LEGISLATIVE BUSINESS:

- Approval of Ordinances:

Ordinance 1682: An ordinance providing that general property taxes levied and collected each year on all property located within the Northeast Ankeny Urban Renewal Area, in the City of Ankeny, County of Polk, State of Iowa, by and for the benefit of the State of Iowa, City of Ankeny, County of Polk, Ankeny Community School District, Des Moines Area Community College, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the city in connection with the Northeast Ankeny Urban Renewal Development Project. (PH 2010-39)

ACTION #7. Welch made the MOTION to receive and file the report from John Peterson, Director of Planning & Building, with respect to the consultation meeting held on September 20, 2010, seconded by Steenhoek.

ROLL CALL
2010-1018.07 YES 3 NO 0

ACTION #8. Strait made the MOTION to receive and file minutes and recommendation of the Plan & Zoning Commission of September 21, 2010, finding the Northeast Ankeny Urban Renewal Plan in conformance with the 2010 Ankeny Comprehensive Plan, seconded by Steenhoek.

ROLL CALL
2010-1018.08 YES 3 NO 0

ACTION #9. Steenhoek made the MOTION to adopt RESOLUTION 2010-287, determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for an Urban Renewal Project; and adopting the Northeast Ankeny Urban Renewal Plan, seconded by Welch.

ROLL CALL
2010-1018.09 YES 3 NO 0

ACTION #10. Strait made the MOTION to accept first consideration of Ordinance 1682, seconded by Welch.

ROLL CALL
2010-1018.10 YES 3 NO 0

Ordinance 1683: An ordinance vacating a sanitary sewer easement located along the east side of SW State Street, North of SW Oralabor Road in Prairie Trail. (PH 2010-40)

ACTION #11. Steenhoek made the MOTION to accept first consideration of Ordinance 1683, seconded by Strait.

ROLL CALL

2010-1018.11 YES 3 NO 0

Ordinance 1684: An ordinance making revisions to Chapter 55, Animal Protection and Control, and Chapter 56, Dog and Cat Licenses required of the Municipal Code of the City of Ankeny, Iowa.

ACTION #12. Strait made the MOTION to accept first consideration of ORDINANCE 1684, seconded by Welch.

ROLL CALL

2010-1018.12 YES 3 NO 0

- Boards/Commissions Appointments

Plan & Zoning Commission

- Aimee Staudt, 3706 SW Sawgrass Parkway

Aimee Staudt introduced herself to the council and stated she has a background in construction and development and is looking forward to serving on the Plan & Zoning Commission.

ACTION #13. Strait made the MOTION to accept Mayor's appointment of Aimee Staudt to the Plan & Zoning Commission, effective 10/18/2010 – 1/31/2012, seconded by Steenhoek. (replacing Anthony "Guy" Pareti)

ROLL CALL

2010-1018.13 YES 3 NO 0

J. OLD BUSINESS: none

K. NEW BUSINESS:

- Proposed Development Agreement – DRA Properties, L.C. and 4Touch, LLC d/b/a Quality Automation Graphics (PH 2010-41)

ACTION #14. Welch made the MOTION to adopt RESOLUTION 2010-288, approving a development agreement between the City of Ankeny, DRA Properties, L.C., and 4Touch, LLC, d/b/a Quality Automation Graphics, seconded by Steenhoek.

ROLL CALL

2010-1018.14 YES 3 NO 0

- Proposed Not to Exceed \$3,300,000 Sewer Revenue Bonds, Series 2010E

ACTION #15. Strait made the MOTION to adopt RESOLUTION 2010-289, fixing date for a meeting on the proposition of the issuance of not to exceed \$3,300,000 Sewer Revenue Bonds, Series 2010E and providing for publication of notice thereof, seconded by Welch. (date of hearing: 11/1/10 @ 5:30 p.m.)

ROLL CALL

2010-1018.15 YES 3 NO 0

- Authorization for Equipment Purchase – Aerial Ladder Truck
Fire Department

ACTION #16. Welch made the MOTION to accept the bid of \$838,399.00 from Clarey's Safety Equipment, Inc., of Rochester, Minnesota for a Pierce Aerial Platform Truck for the City of Ankeny Fire Department and authorize staff to proceed with a purchase requisition for said equipment, seconded by Steenhoek.

ROLL CALL

2010-1018.16 YES 3 NO 0

L. ADMINISTRATIVE BUSINESS:

- REPORT OF THE CITY STAFF: none
- REPORT OF THE GOVERNING BODY: none

Future Council Agenda Items:

- ***Council Action Planning Session – 2011-2015 Capital Improvements Program – Funding Options - 10/25/10 @ 5:00 p.m.***
- ***Public Hearing – \$3,300,000 Sewer Revenue Bonds – Series 2010E (date of hrg: 11/1/10 @ 5:30 p.m.)***

M. ADJOURNMENT

ACTION #17. There being no further business, Welch made the MOTION to adjourn, seconded by Steenhoek. (6:28 p.m.)

ROLL CALL

2010-1018.17 YES 3 NO 0

Pamela DeMouth, City Clerk

Steven D. Van Oort, Mayor

The context of the above meeting will be submitted for council action at their next regular meeting on November 1, 2010.

Published in the Des Moines Register on the 2nd day of November, 2010.